

ED

Notice of Allowability

Application No.

09/992,454

Examiner

Fenn C. Mathew

Applicant(s)

SJOSTAM, SVEN AKE

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/11/2007.
2. ☒ The allowed claim(s) is/are 3-8, 12, 13 and 15-21.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 05/27/2007
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

This action is pursuant to the after-final amendment filed 05/11/2007. As directed by the amendment, please amend claims 3, 6, 8, 15, 16, 17, 18, 19, and 21. Please cancel claims 14 and 22.

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jonathan Soifer on May 23, 2007.

Please amend the claims as follows:

- In claim 21, please delete the phrase 'equipment of claim 21', and please replace with --equipment of claim 20--.

The following amendment was made to correct claim dependency.

Allowable Subject Matter

2. Claims 3-8, 12-13, and 15-21 are allowed. Examiner notes that Applicant placed dependant claims 15, 16, and 18, previously noted as having allowable features in paragraph number 11 of the Office Action dated March 30, 2007, into independent form including the limitations of the base claims and any intervening claims.

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3. The following is an examiner's statement of reasons for allowance: Prior art playground equipment such as Katz (U.S. 6,095,950) teach elements adapted to be climbed upon having a dampened swinging movement, but fail to teach a vertical post with a plurality of rubber bushings surrounding a mounting post, which has a bridge, ladder, or cross members curved in a plane offset from a plane of a play unit. Gleeson (U.S. 5,167,595) likewise fails to teach the ground engaging post, mounting shaft and ladder as substantially claimed. Froesch (U.S. 1,731,412) teaches a support including a ground engaging post, a mounting shaft engaging the ground engaging post, a 'play unit' attached to the second end of the mounting shaft, and a rubber bushing surrounding the mounting shaft allowing a degree of dampened swinging movement. Froesch fails to teach the play unit comprising a bridge, ladder, or having a pair of curved members with offset cross-members extending in different plane. The prior art of record fails to teach a playground assembly including a ground engaging post, the ground engaging post receiving a mounting shaft having a play unit attached to one end, the play unit comprising a ladder, bridge, or pair of side members with curved cross-members, and further having the mounting shaft surrounded by a rubber bushing allowing a dampened swinging movement of the play unit.

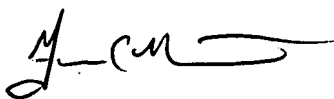
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C. Mathew whose telephone number is (571) 272-4978. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Fenn C. Mathew
May 23, 2007